

Secondly, the Examiner asserts that the claims are incomplete for "omitting essential elements" in that "the claims appear to be directed to an automatic inflator, but only recite a body and (perhaps) a pill" which does not define an automatic inflator. In response, Applicant has amended Claim 1 to include specific structure operable with the recited dissolvable pill. Reconsideration is respectfully requested.

Claims 1-3, 5-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hooberman. Specifically, the Examiner states that the inflator of Hooberman is capable of accommodating a pill and therefore meets the claims. However, Applicant has now positively recited the dissolvable pill and has provided the structure of the inflator operable with the dissolvable pill. Further, Hooberman fails to teach a dissolvable pill with having "an upper surface and a lower surface, at least one of said surfaces including an undulating configuration extending parallel to a plane of said surface". Rather, Hooberman teaches upper and lower surfaces that are flat. Only Hooberman's axial surfaces could be argued to be undulating. Thus, for clarity, Applicant has amended Claim 1 to specifically provide that the upper and lower surfaces are transverse to an axis of said dissolvable pill. Therefore, The Section 102(b) is respectively traversed and reconsideration is respectfully requested.

Claims 1-3, 5-6 and 9 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bernhardt et al. The Examiner states that Bernhardt discloses an automatic inflator comprising a body for receiving a dissolvable annular pill including an upper

surface and a lower surface both with an undulating configuration according to the claims. However, it is respectfully urged that Bernhardt's dissolvable pill simply includes a convex surface and lacks an undulating surface. Nevertheless, Applicant has amended Claim 1 to require multiple undulations, thereby distinguishing the convex surface of Bernhardt's dissolvable pill.

Further, with regard to the Examiner's assertion that Applicant has failed to identify any criticality of the undulations, the Examiner's attention is directed to the Specification such as the Objects of the Invention at the end of the Background of the Invention as well as the first two paragraphs of the Summary of the Invention, wherein it is stated that the undulating configurations provide sufficient strength until they are dissolved upon becoming wetted when the inflator is submerged into the body of water. Various embodiments of such undulations are specifically disclosed in the Detailed Description of the Preferred Embodiment.

Claims 1-3, 5, 6 and 9 stand rejected under 35 U.S.C. 102(b) as being anticipated by Licher. Specifically, the Examiner states that Licher discloses an automatic inflator comprising a body for receiving a dissolvable annular pill including an upper surface and a lower surface with an undulating configuration according to the claims. The Examiner further states that Applicant has failed to identify any criticality of the undulations being in or out of phase, so the limitation would therefore fail to patentably define over the prior art. In response, Applicant notes that like Hooberman, the upper and

lower surface of Licher's dissolvable pill are flat. Only Licher's axial surfaces could be argued to be undulating. Applicant therefore repeats his comments made in relation to the rejection over Hooberman.

Claims 1-3, 5, 6 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hooberman in view of Licher. Specifically, the Examiner states that if the shapes set forth in the claims are not met by Hooberman, then the claims are rejected and Licher discloses a similar inflator with a dissolvable pill and Licher also recognizes the shape of the dissolvable pill is a results effective variable. The Examiner asserts that it would have been obvious to one skilled in the art to have chosen the shapes set forth in the claims, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Applicant respectfully disagrees and specifically notes that a combination of Hooberman with Licher would teach one skilled in the art to include undulations axially along the inside lumen of the center hole of the dissolvable pill (i.e., Hooberman) and along the outside axial surface (i.e., Licher). This combination actually teaches away from the claimed invention in which the upper and lower surfaces are undulated. A showing of obviousness has therefore not been set forth by the combination of Hooberman and Licher. Reconsideration is respectfully requested.

Claims 1-3, 5, 6 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bernhardt in view of Licher. The Examiner states that Bernhardt discloses all of the positively recited features and Licher discloses a similar inflator with a dissolvable pill. The Examiner alleges that it would have been obvious to one skilled in the art to have chosen the shapes set forth in the claims since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Applicant respectfully disagrees and specifically notes that a combination of Bernhardt with Licher would teach one skilled in the art to provide a convex dissolvable pill (i.e., Bernhardt) with undulations along the outside axial surface (i.e., Licher). This combination actually teaches away from the claimed invention in which the upper and lower surfaces are undulated. A showing of obviousness has therefore not been set forth by the combination of Bernhardt and Licher. Reconsideration is respectfully requested.

Claims 1-3, 5, 6 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Licher as Licher discloses all of the positively recited features. The Examiner further asserts that in the instant case, the shape is chosen to have a greater surface area so that the pill dissolves quickly. Since the prior art recognizes the shape as a results-effective variable, it would have been obvious to one of ordinary skill in the art to have chosen the shapes set forth in the claims, since it has been

held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Applicant disagrees and notes that the teachings of Licher would at best simply involve including undulations axially along the outside surface of the dissolvable pill. A showing of obviousness has therefore not been set forth and therefore reconsideration is respectfully requested.

Claims 1, 2 and 9 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent 6,705,488. In response thereto, Applicant notes that in light of the restriction requirement in Patent '488, requiring a terminal disclaimer is premature until allowance of a generic claim encompassing Patent '488.

I HEREBY CERTIFY that the foregoing was electronically filed on this the 28th day of December, 2006. The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 50-1667.

Respectfully submitted,
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1. (currently amended) An automatic inflator for inflating an inflatable article when the automatic inflator is submersed in a body of water, comprising a body for receiving and a dissolvable pill, said body including an actuator coupled to said pill that actuates upon dissolving of said pill to cause inflation of the inflatable article, said dissolvable pill including an upper surface and a lower surface transverse to an axis of said dissolvable pill, at least one of said surfaces including an multiple undulating configuration configurations extending parallel to a plane of said surface, said undulating configurations providing sufficient strength to preclude actuation of the actuator until said undulating configuration dissolves upon becoming wetted when the inflator is submerged into the body of water.

2. (currently amended) The automatic inflator as set forth in Claim 1, wherein said undulating ~~configuration~~ configurations ~~includes~~ include peaks and troughs.

3. (original) The automatic inflator as set forth in Claim 2, wherein both said surfaces include said undulating configurations.

4. (previously cancelled)

5. (original) The automatic inflator as set forth in Claim 3, wherein said undulating configurations are aligned to be out of phase with each other.

6. (original) The automatic inflator as set forth in Claim 1, wherein said undulations extend radially.

7. (previously cancelled)

8. (previously cancelled)

9. (currently amended) The automatic inflator as set forth in Claim 1, wherein said ~~automatic inflator~~ dissolvable pill comprises an annular pill with a center hole.

10. (previously cancelled)

11. (previously cancelled)

12. (previously cancelled)

13. (previously cancelled)

14. (previously cancelled)

15. (previously cancelled)
16. (previously cancelled)
17. (previously cancelled)

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